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Paper No.

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NEW YORK, NY 10112-3801

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**AUG 3 1 2006**

**OFFICE OF PETITIONS**

In re Patent No. 7,031,001 :  
Nakagiri et al. :  
Issue Date: April 18, 2006 : LETTER REGARDING  
Application No. 09/912,553 : PATENT TERM ADJUSTMENT  
Filed: July 26, 2001 :  
Attorney Docket No. 862.C2310 :

This is in response to the paper styled SUBMISSION OF PAPER MISSING FROM IMAGE FILE WRAPPER AND COMMENTS ON DETERMINATION OF PATENT TERM ADJUSTMENT filed June 2, 2006. Pursuant to patentees' duty of good faith and candor, patentees note that the Patent Term Adjustment may need to be recalculated.

The request for correction of the patent term adjustment indicated in the patent is DISMISSED.

On April 18, 2006, the above-identified application matured into U.S. Patent No. 7,031,001, with a revised Patent Term Adjustment of 800 days. Patentees disclose that a "Request for Corrected Notice of Allowance" was filed on October 28, 2005 but is missing from the image file wrapper. Further, patentees state given the entry of this paper the Patent Term Adjustment may need to be recalculated.

The filing of the "Request for Corrected Notice of Allowance" on October 28, 2005 after the mailing of the Notice of Allowance on October 11, 2005 has been considered. 37 CFR 1.704(c)(10) generally establishes the filing of a paper after the mailing of the notice of allowance as a circumstance that constitutes a

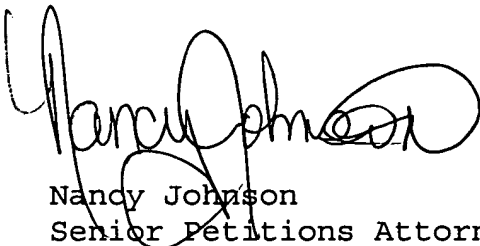
"failure to engage in reasonable efforts to conclude prosecution," warranting entry of a period of reduction of patent term adjustment. However, the Office has determined that the filing of a response to the examiner's reasons for allowance or a request to correct an error or omission in the "Notice of Allowance" or "Notice of Allowability" will not be considered a failure to engage in reasonable efforts to conclude processing or examination of an application. See MPEP 2732. As the paper filed October 28, 2005 was a request to correct an error in the Notice of Allowability, no reduction for its filing is warranted. Thus, the entry of this paper in the image file wrapper for this application has no impact on the Patent Term Adjustment indicated in the patent.

In view thereof, the patent properly issued with a revised patent term adjustment of 800 days.

As this letter was submitted as an advisement to the Office of an error in Patentees' favor, the Office will not assess the \$200.00 fee under 37 CFR 1.18(e). The Office thanks patentees for their good faith and candor in bringing this to the attention of the Office.

The application is being forwarded to the Certificates of Correction Branch for consideration of the request for certificate of correction filed August 8, 2006.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", with a large, stylized flourish at the end.

Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions